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Karl H. Koster
Apartment 1
347 8th Street
Atlanta, GA 30309

EXAMINER

HUYNH, CHUCK

ART UNIT PAPER NUMBER

2683

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,080

Applicant(s)

KOSTER, KARL

Examiner

Chuck Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1, 2, 4-8, 18 have been considered but are moot in view of the new ground(s) of rejection.
2. Furthermore, Examiner would like to emphasize the broad nature of the claim language. Due to that fact, Applicant's method of billing a wireless subscriber was rejected by Senn's system and methods for prerating communication events, such as telephone calls, for prepaying customers. Furthermore, Applicant went on to discuss the generation of a bill, and what the Applicant thought was the fundamental differences between Senn's and Applicant's invention, which were not claimed within the claim. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the generation of a bill) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, Applicant does not claim how Applicant's invention deals with billing payments, and only claim the billing aspect of communication calls. Therefore, whether Senn's prepaid method is before the billing process or after the billing process is inconsequential, and cannot be used to refute Senn's anticipation of the claimed limitations. Senn's method includes both a payment option and the process of

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calculating the amount to be charged to a user, and that process of calculating the charge amount reads on claim 1 of Applicant's application. Applicant also does not disclose whether the calculation or recording of such information is before or after or at any particular time; therefore, the calculation and/or recording of data can be done at any given time.

Applicant amended claim 1 by adding a recorded end time of a communication call. This amendment still does not put the claim in condition for allowance, as Senn's reference does include the knowledge of an end time of a call in determine the duration of a call (Col 2, lines 53-64).

Claims 2, 4-8 are still no in condition for allowance in accordance to the above explanation.

3. Regarding claim 18, Applicant argues that the determining the amount due for the call is performed after the completion of the call. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., determining the amount due for the call is performed after the completion of the call) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, adding the feature which specifies that the mobile switch automatically does the recording of data is in compliant with the Applicant's specification wherein Automatic Message Accounting (AMA) is used.

However, de Verteuil in view of Dennison et al. discloses the claimed feature of Automatic Message Accounting files in conjunction with a billing center which emerge as a Call Detail Records (CDR, which de Verteuil teaches Page 4, [0031]).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of invention to combine de Verteuil and Dennison et al. to incorporate an automatic recording feature to facilitate in the calculation of billing charges.

Regarding claim

4. Applicant's arguments filed 11/23/2005 have been fully considered but they are not persuasive.

Regarding claim 3, packetized data (i.e. text messaging) is well known in the art and furthermore, Emery does disclose (Col 9, lines 49+ and Col 10, lines 15+). Claim 3 is still not in condition for allowance.

Regarding claims 9-11, and 13-16 Applicant asserts that Senn does not disclose "recording the communication start time, originating address and antenna sector identifier in a call detail record data file stored in the switch" nor does it disclose

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"retrieving a rating profile associated with the originating address comprising second antenna identifier, antenna sector identifier, and a billing rate." In short, Senn does not teach or suggest a rating profile based on a particular antenna, nor would the combination of Dunn disclose the limitation of a rating profile comprising an antenna identifier and the antenna sector identifier.

Examiner respectfully disagrees. As shown before, the combination of Senn in view of Dunn does suggest a rating profile (rate plans- Senn: Col 6, lines 48-51; Dunn: Col 16, lines 43-46) based on the particular antenna (the particular antennas are broadly interpreted as the antennas of the range transceivers (Fig. 2, no. 30), which communicate a transceiver ID (antenna identifier- Dunn: Col 10, lines 39-41) and the location code (which defines communication service zones which has the ability to represent individual sectors) (Dunn: Col 10, lines 39-41) and with this information the location of the mobile is determined and a rating plan in according to the location of the mobile is used to calculate billing information (Dunn: Col 10, 24-46). Due to the broad nature of the claim language, accordingly, claims 9-11, and 13-16 are still not in condition for allowance.

Regarding claim 12, Gray is not depended on for disclosing the billing aspect of the invention, but is relied on for the disclosure of the well-known standard of data packet communication within 802.11 and is combinable in the expansion of packet data communication service.

Regarding claim 17, Applicant's argues that Senn does not disclose all the limitations within the claim. Examiner directs Applicant to refer back to claim 9 for explanation on what Senn discloses. Senn discloses all the limitations except for the antenna identifiers associated with the call. However, Senn in combination of Fitch does disclose a billing method that determines the location of the wireless communication device, within a cell/sector through the association of cell/sector antennas (Fitch: Col 6, lines 1-7), and also disclosing a record to be used for billing purposes (Col 6, line 20+). It would have been obvious to combine the references to provide accurate billing rates that are location dependent.

Regarding claim 22, Applicant argues that Senn does not disclose a billing process that includes the "ending time of the call," which requires the call to be completed. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the ending time of the call is when the call has been completed) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore broadly interpreted, Senn discloses duration of a call, which suggests to include a beginning time and an ending time of a call (Senn: Col 10, line 58). (Also refer back to previous explanation).

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Regarding claim 23, Applicant argues that Applicant's system sends the location address of a fixed location wireless subscriber to the public safety answering point, and that the address is not geographical location/coordinates.

Due to the broad nature of the claim, the address is interpreted as a location coordinate of a wireless subscriber at a particular place in time, which at that time the wireless subscriber is considered to be fixed at that address/ position/ location/ coordinate.

Until further specific limitation of the claim is amended to overcome the prior art, Sollenberger et al. still anticipates the broad nature of the claim language. Therefore, claim 23 is still not in condition for allowance.

A final rejection of claims 1-23 is shown below. Therefore, claims 1-23 are still not in condition for allowance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claim 23 rejected under 35 U.S.C. 102(b) as being anticipated by Sollenberger et al. (hereinafter Sollenberger).

Regarding claim 23, Sollenberger discloses a method for handling an wireless emergency call originating from a fixed location wireless subscriber (Abstract), comprising the steps of:

receiving a call origination request at a mobile switch from the fixed location wireless subscriber containing a calling party number and a dialed number (Col 5, lines 35-43);

accessing a first database and determining whether the calling party number is associated with the call originating request is associated with a fixed location wireless service (Col 5, lines 49-56; Fig. 2, no.29);

analyzing the dialed number in the call origination request and determining the dialed number is equal to 911 (Col 5, lines 46-47);

accessing a second database indexed by the calling party number containing an location address associated with the fixed location wireless subscriber (Col 5, lines 65-67; Col 6, lines 1-16); and

sending the location address to a public safety answering point (Col 6, lines 25-38).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 4-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Senn et al. (hereinafter Senn).

Regarding claim 1, Senn discloses a method of billing a wireless subscriber using a mobile telecommunications device for wireless communication services comprising the steps of:

processing a call associated with an originating address associated with the mobile telecommunications device (Col 2, lines 8-11; Col 6, lines 14-17), said processing performed by a mobile switching center connected to an antenna wherein the antenna is in radio communication with the mobile telecommunications device (Col 6, lines 18-19);

determining a first antenna identifier of the antenna associated with the call (Col 6, line 18; Figure 1, no. 108);

recording the call start time, end time and the originating address associated with the call in a call detail record data file maintained in the mobile switching center (Col 7, lines 37-29; Col 8, lines 11-15; Col 2, lines 53-64);

transferring the call detail record data file from the mobile switching center to a data processing center (Col 5, lines 20-29; Col 6, lines 19-23);

retrieving a rating profile associated with the originating address associated with the mobile telecommunications device comprising a second antenna identifier and a first billing rate (Col 9, lines 13-20); and

determining an amount to be billed for the call based in part on the comparison of the first antenna identifier with the second antenna identifier and the first billing rate (Col 9, lines 45-51).

Regarding claim 2, it is inherent that the method of claim 1 wherein the call is a voice telephone call.

Regarding claim 4, Senn discloses the method of claim 1 wherein the originating address is a telephone number (Col 2, lines 8-11).

Regarding claim 5, Senn discloses the method of claim 1 wherein the originating address is an Internet Protocol address (Col 6, lines 7, 28).

Regarding claim 6, Senn discloses the method of claim 1, wherein the step of determining the amount to be billed further comprises using the first billing rate if the first antenna identifier matches the second antenna identifier (a call within the same service provider area/location using the same antenna) (Col 7, lines 21-32) and a second billing rate if the first antenna identifier does not match the second antenna identifier (when transfer/handover to another provider occurs) (Col 9, lines 13-23).

Regarding claim 7, Senn discloses the method of claim 1 wherein the step of determining the amount to be billed further comprises using a first billing rate determined in part by comparing a time schedule with the recorded call start time (Col 10, lines 52-60). It is well known that the duration of a call involves a starting time.

Regarding claim 8, Senn discloses the method of claim 7 wherein the time schedule contains a peak time period associated with the first billing rate and an off-peak time period associated with a second billing rate (Col 7, lines 38-52).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Senn in view of Emery.

Regarding claim 3, Senn discloses all the particulars of the claim except the method of claim 1 wherein the call is packet data communication.

However, Emery does disclose the method of claim 1 wherein the call is packet data communication (Col 6, lines 15-16; Col 9, lines 49+).

It would have been obvious to one ordinarily skilled in the art at the time of invention to transmit data packets to communicate.

2. Claim 9, 10, 13, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senn in view of Dunn.

Regarding claim 9, Senn discloses a method of billing a wireless subscriber using a mobile telecommunications device for telephony services comprising the steps of:

processing a communication associated with an originating address, the originating address associated with the mobile telecommunications device, said

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processing using a switch connected to an antenna wherein the antenna is in radio communication with the mobile telecommunications device (Col 6, lines 14-19);

transferring the call detail record data file from the switch to a data processing center (Col 5, lines 20-29; Col 6, lines 19-23);

Senn discloses determining a first antenna (Col 6, lines 18-19) identifier but not a first antenna sector identifier associated the communication between the mobile telecommunications device and the switch;

however, Dunn discloses determining a first antenna sector identifier associated the communication between the mobile telecommunications device and the switch (Col 3, lines 18-25).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Dunn's disclosure of antenna sectors with Senn's disclosure to establish telecommunication.

Senn discloses recording the communication start time, originating address in a call detail record data file stored in the switch (Col 7, lines 37-29; Col 8, lines 11-15), but does not disclose antenna sector identifier;

however, Dunn discloses an antenna sector identifier (Col 3, lines 24-25).

I would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate an antenna identifier from Dunn with Senn's disclosure to record telecommunication location data.

Senn discloses retrieving a rating profile associated with the originating address comprising a second antenna identifier, and a billing rate (Col 9, lines 13-20), but does not disclose antenna sector identifier;

however, Dunn does disclose antenna sector identifier in a billing scheme (Col 3, lines 24-25; Col 16, lines 34-38, 39-36; Col 17, lines 5-8).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Dunn's disclosure of antenna sector identifier with Senn's disclosure to determine billing criteria.

Senn does disclose determining an amount to be billed for the communication based in part on the comparison of the first antenna identifier with the second antenna identifier and the billing rate (Col 9, lines 45-51), but does not disclose the comparison of the first antenna sector identifier with the second antenna sector identifier.

However, Dunn does disclose the comparison of the first antenna sector identifier with the second antenna sector identifier (Col 4, lines 5-7).

It would have been obvious to one ordinarily skilled in the art at the time of invention to determine which sectors the user is in to implement billing criteria.

Regarding claim 10, it is well known in the art that the method of claim 9 wherein the communication is a voice telephone call.

Regarding claim 13, Senn discloses the method of claim 9 wherein the originating address is a telephone number (Col 2, lines 8-11).

Regarding claim 14, Senn discloses the method of claim 9 wherein determining the amount to be billed further comprises using a first billing rate if the first antenna identifier matches the second antenna identifier (a call within the same service provider area/location using the same antenna identifier) (Col 7, lines 21-32), and a second billing rate if the first antenna identifier does not match the second antenna identifier.

Even though Senn discloses all the particulars of the claim, Senn does not disclose a first billing rate if the first antenna sector identifier matches the second antenna sector identifier (a call within the same service provider area/location using the same antenna sector identifier).

However, Dunn does disclose a first billing rate if the first antenna sector identifier matches the second antenna sector identifier (a call within the same service provider area/location using the same antenna sector identifier) (Col 3, lines 18-25; Col 16, lines 35-46).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Dunn's disclosure with Senn to determine user billing information.

Regarding claim 15, Senn discloses the method of claim 9 wherein the billing rate is dependent on a time schedule and determining the amount to be billed further depends on the communication start time recorded in the call detail data file compared

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to the time schedule (Col 10, lines 52-60). It is well known that the duration of a call involves a starting time.

Regarding claim 16, Senn discloses the method of claim 14 wherein the time schedule contains a peak time period and an off-peak time period (Col 7, lines 38-52).

3. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Verteuil in view of Dennison et al.

Regarding claim 18, De Verteuil discloses a method of billing a wireless subscriber for communication services associated with a call originating from a mobile telecommunications device located in a certain geographical location (Abstract) comprising the steps of:

recording call detail information in a file wherein the call detail information (Page 3-4, [0025]) comprises a starting time of the call, an ending time of the call, an originating telephone number of the caller, and a first geographical location indicator associated with the call (Page 4, [0027]);

transmitting the call detail information to a billing system (Page 4, [0025]);

determining the amount due for the call by using the geographical location indicator of the call, the duration of the call, and a subscriber billing rate wherein the amount due is determined in part by whether the first geographical location indicator of

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the call matches a second geographical location indicator contained in a rating profile associated with the originating telephone number (Page 4, [0031], [0034]); and

recording the amount due in a billing file associated with the originating telephone number (Page 5, [0038]).

De Verteuil discloses all the limitations except the added feature of automatically recording call detail by the mobile switch.

However, Dennison et al. discloses the claimed feature of Automatic Message Accounting files in conjunction with a billing center which emerge as a Call Detail Records (CDR, which de Verteuil teaches Page 4, [0031]).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of invention to combine de Verteuil and Dennison et al. to incorporate an automatic recording feature to facilitate in the calculation of billing charges.

Regarding claim 19, De Verteuil discloses the method of claim 18 wherein the location indicator comprises an antenna number (Cell ID) (Abstract; Page 1, [0005]).

Regarding claim 20, De Verteuil discloses a system for billing a wireless subscriber for a wireless call where the subscriber originates a call within a certain prearranged geographic location entitling the caller to a specified billing rate (Abstract), comprising:

a mobile communications device associated with a telephone number capable of originating a call within the certain geographic location (Abstract);

an antenna having at least one antenna sector capable of handling a radio communication of the call originated by the mobile phone (Page 3, [0025]);

a mobile switching center (Page 3-4, [0025]) operatively connected to the antenna and switching the call originating from the mobile communications device, wherein the switch is capable of recording information associated with the call in a call record file (Page 3-4, [0025]) including the starting time of the call (Page 4, [0031]), ending time of the call (it is inherent in the art to record ending time to calculate duration of call to be charged), telephone number associated with the mobile communications device, antenna number associated with the call, and sector number associated with the antenna (Page 4, [0027]) ; and

a billing system comprising a first database capable of receiving the call record file from the mobile switching center (Page 4, [0025]), a second database storing a rating profile file information comprising a second antenna number associated with the telephone number of the mobile communications device (Page 4, [0027]), a processor processing the call record file and rating profile file to determine an amount due associated with the call by determining whether the antenna number in the call record file matches the second antenna number indicated the rating profile file (Page 4-5, [0031], [0032], [0034]), and a third database storing the amount due associated with the call (Page 4, [0025]).

De Verteuil discloses all the limitations except the added feature of automatically recording call detail by the mobile switch.

However, Dennison et al. discloses the claimed feature of Automatic Message Accounting files in conjunction with a billing center which emerge as a Call Detail Records (CDR, which de Verteuil teaches Page 4, [0031]).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of invention to combine de Verteuil and Dennison et al. to incorporate an automatic recording feature to facilitate in the calculation of billing charges.

Regarding claim 21, De Verteuil discloses the system of claim 20 wherein the mobile switching center is operatively connected to an HLR containing the telephone number and an indication of fixed location wireless service (Page 2, [0010]).

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Senn in view of Dunn in further view of Emery.

Regarding claim 11, Senn in view of Dunn discloses all the particulars of the claim except the method of claim 9 wherein the communication is an instance of packet data communication.

However, Emery does disclose the method of claim 9 wherein the communication is an instance of packet data communication (Col 6, lines 15-16).

It would have been obvious to one ordinarily skilled in the art at the time of invention to transmit data packets to communicate.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Senn in view of Dunn in view of Gray.

Regarding claim 12, Senn in view of Dunn discloses all the particulars of the claim except the method of claim 9 wherein the packet data communication uses an 802.11 based wireless communications standard.

However, Gray does disclose the method of claim 9 wherein the packet data communication uses an 802.11 based wireless communications standard (Col 3, lines 63-67 – Col 4, lines 1-5).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Gray's disclosure of 802.11 data packets for communication.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Senn in view of Fitch et al. (hereinafter Fitch).

Regarding claim 17, discloses a method of billing a wireless subscriber of a wireless telephone call comprising the steps of:

recording call detail information for the wireless telephone call in a file stored in a mobile switching center wherein the call detail information (Col 6, lines 14-24) comprises the starting time of the wireless telephone call, ending time of the call (call

duration) (Col 1, lines 61-62; Col 2, lines 13-14, 60-61), originating telephone number, first antenna identifier (Col 6, line 18);

Senn discloses all the particulars of the claim except a first antenna cell sector identifier associated with the call.

However, Fitch does disclose first antenna cell sector identifier associated with the call (Col 2, lines 40-44)

I would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate cell sector identifier in determine where the user is calling from to determine billing charges.

Senn discloses all the particulars of the claim except processing the call detail information by determining whether the first antenna identifier and first antenna sector identifier associated with the call is the same as a second antenna identifier and second antenna sector identifier in a rating profile wherein the rating profile is associated with the originating telephone number; and calculating a monetary amount associated with the call in part by determining the duration of the call and using a first billing rate indicated in the rating profile if the first antenna identifier and first antenna sector identifier associated with the call is the same as a second antenna identifier and second antenna sector identifier in a rating profile, or by determining the duration of the call and using a second billing rate indicated in the rating profile if the first antenna identifier associated with the call is not the same as the second antenna identifier in the rating profile.

However, Fitch does disclose

processing the call detail information by determining whether the first antenna identifier and first antenna sector identifier associated with the call is the same as a second antenna identifier and second antenna sector identifier in a rating profile wherein the rating profile is associated with the originating telephone number (Col 6, lines 2-7, 19-35); and

it would have been obvious to one ordinarily skilled in the art at the time of invention to determine if the user is within the designated calling area and did not initiate a call outside of the designated cell and sector zone to determine billing information; and

calculating a monetary amount associated with the call in part by determining the duration of the call and using a first billing rate indicated in the rating profile if the first antenna identifier and first antenna sector identifier associated with the call is the same as a second antenna identifier and second antenna sector identifier in a rating profile, or by determining the duration of the call and using a second billing rate indicated in the rating profile if the first antenna identifier associated with the call is not the same as the second antenna identifier in the rating profile (calling in a different zone) (Col 6, lines 26-29, 37-38); and

it would have been obvious to one ordinarily skilled in the art at the time of invention to determine that the user is calling from a registered cell, sector or zone to incorporate the correct billing charge.

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7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Senn in view of Emery.

Regarding claim 22, Senn discloses a billing system for billing a subscriber of a wireless service comprising:

a billing processor capable of processing a call detail file received from a mobile switching center wherein the call detail record file contains records comprising the starting time of the call, ending time of the call, telephone number associated with a wireless communications device associated with the call, and a network antenna associated with the call, wherein the processing determines a bill for a subscriber in part by processing the call detail file using a rating profile to generate billing information (Col 6, lines 14-23, 46-52);

a first database, operatively connected to the billing processor, storing the call detail records (Col 5, lines 49-53);

a second database, operatively connected to the billing processor, storing a subscriber rating profile comprising the telephone number associated with the wireless communications device, rating information, and antenna (Col 5, lines 20-25), lines identification information (Col 5, lines 49-53); and

Senn discloses all the particulars of the claim, but does not fully disclose

a third database operatively connected to the billing processor storing the billing information generated by the billing processor.

However, Emery does disclose a database operatively connected to the billing processor storing the billing information generated by the billing processor (Col 13, lines 50-58).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate another database to provide storage of calculated billing information.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cooper; Guy A. discloses a Call routing in a wireless telecommunications system

Lamkin; Richard M. discloses a Call logging in a wireless telecommunications system

Vanden Heuvel; Dean Paul discloses a System for defining an individual subscriber unit location within a wireless communication system and method therefor

Chow; Albert discloses a Method and apparatus for billing a neighborhood cordless service

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Huynh whose telephone number is 571-272-7866. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chuck Huynh

A handwritten signature in black ink, appearing to read 'W. Trost', with a long, sweeping horizontal line extending to the right.

**WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**